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**Commonwealth of Virginia**

**VIRGINIA DEPARTMENT OF ENVIRONMENTAL QUALITY**

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Matthew J. Strickler  
Secretary of Natural Resources

David K. Paylor  
Director  
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**VIRGINIA WASTE MANAGEMENT BOARD  
ENFORCEMENT ACTION - ORDER BY CONSENT  
ISSUED TO  
EPACOA INC.  
EPA ID No. VAR000005041**

**SECTION A: Purpose**

This is a Consent Order issued under the authority of Va. Code § 10.1-1455, between the Virginia Waste Management Board, and EPACoat Inc., regarding the EPACoat Facility in Richmond, Virginia, for the purpose of resolving certain violations of the Virginia Waste Management Act and the applicable regulations.

**SECTION B: Definitions**

Unless the context clearly indicates otherwise, the following words and terms have the meaning assigned to them below:

1. "Board" means the Virginia Waste Management Board, a permanent citizens' board of the Commonwealth of Virginia, as described in Va. Code §§ 10.1-1184 and -1401.
2. "CEI" means compliance evaluation inspection.
3. "CFR" means the Code of Federal Regulations, as incorporated into the Regulations.
4. "Department" or "DEQ" means the Department of Environmental Quality, an agency of the Commonwealth of Virginia, as described in Va. Code § 10.1-1183.
5. "Director" means the Director of the Department of Environmental Quality, as described in Va. Code § 10.1-1185.
6. "EPACoat" means EPACoat Inc., a corporation authorized to do business in Virginia and its affiliates, partners, and subsidiaries. EPACoat is a "person" within the meaning of Va. Code § 10.1-1400.

7. "Facility" or "Site" means the EPAcoat facility located at 4500 Oakleys Lane in Henrico County, Virginia.
8. "Generator" means person who is a hazardous waste generator, as defined by 40 CFR § 260.10.
9. "Hazardous Waste" means any solid waste meeting the definition and criteria provided in 40 CFR § 261.3.
10. "LDR" means land disposal restriction.
11. "LQG" means large quantity generator, a hazardous waste generator that generates 1000 kilograms (2200 pounds) or greater of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(a)-(b) and (g)-(l).
12. "Notice of Violation" or "NOV" means a type of Notice of Alleged Violation under Va. Code § 10.1-1455.
13. "Order" means this document, also known as a "Consent Order" or "Order by Consent."
14. "PRO" means the Piedmont Regional Office of DEQ, located in Glen Allen, Virginia.
15. "RCRA" means Resource Conservation and Recovery Act.
16. "Regulations" or "VHWMR" means the Virginia Hazardous Waste Management Regulations, 9 VAC 20-60-12 *et seq.* Sections 20-60-14, -124, -260 through -266, -268, -270, -273, and -279 of the VHWMR incorporate by reference corresponding parts and sections of the federal Code of Federal Regulations (CFR), with the effected date as stated in 9 VAC 20-60-18, and with independent requirements, changes, and exceptions as noted. In this Order, when reference is made to a part or section of the CFR, unless otherwise specified, it means that part or section of the CFR as incorporated by the corresponding section of the VHWMR. Citations to independent Virginia requirements are made directly to the VHWMR.
17. "Solid Waste" means any discarded material meeting the definition provided in 40 CFR § 261.2.
18. "SQG" means a small quantity generator, a hazardous waste generator that generates greater than 100 kilograms but less than 1000 kilograms of hazardous waste in a calendar month and meets other restrictions. *See* 40 CFR § 262.34(d)-(f).
19. "Va. Code" means the Code of Virginia (1950), as amended.
20. "VAC" means the Virginia Administrative Code.
21. "Virginia Waste Management Act" means Chapter 14 (§ 10.1-1400 *et seq.*) of Title 10.1 of the Va. Code. Article 4 (Va. Code §§ 10.1-1426 through 10.1-1429) of the Virginia Waste Management Act addresses Hazardous Waste Management.

### **SECTION C: Findings of Fact and Conclusions of Law**

1. EPACoat owns and operates the Facility. Using sandblasting and power washing, EPACoat prepares and paints or coats new metal parts for cathodic protection. Operations at the Facility are subject to the Virginia Waste Management Act and the Regulations.
2. EPACoat submitted a RCRA Subtitle C Site Identification Form received July 18, 1996, providing notice of regulated waste activity at the Facility as an SQG of hazardous waste. EPACoat was issued EPA ID No. VAR000005041 for the Facility. In a subsequent form received May 19, 2016, EPACoat gave notice as an LQG of hazardous waste.
3. EPACoat generates hazardous and non-hazardous solid waste streams, resulting from painting, coating and solvent waste from metal treatment (D001, D005, F003, and F005) and used oil. Hazardous waste is accumulated in containers at the Facility after generation.
4. On May 18, 2016, Department staff conducted a CEI at the Facility to evaluate EPACoat's compliance with the requirements of the Virginia Waste Management Act and the Regulations. The Department made the following observations followed by the applicable legal citation:

- a) Two storage trailers located outside the main Facility contained a combination of waste and usable product. A hazardous waste determination for waste in the trailers was not available at the time of the CEI. In addition, a hazardous waste determination was not available at the time of the CEI for filters used to operate the paint spray booth. A written record of EPACoat's generator working knowledge determination for the spray booth filters was not available for inspection.

40 CFR § 262.11 states in part that "A person who generates a solid waste, as defined in 40 CFR 261.2, must determine if that waste is a hazardous waste..." and that a generator of hazardous waste "must maintain records supporting its hazardous waste determinations, including records that identify whether a solid waste is a hazardous waste."

- b) Seventeen full 55-gallon containers, two partially filled 55-gallon containers, and one partially full 35-gallon container were observed at the Facility. A review of manifests for hazardous waste shipments made after February 2016 indicates EPACoat was operating as an LQG, but had not notified DEQ of the change in status from SQG to LQG.

40 CFR § 262.10 states "(a) These regulations establish standards for generators of hazardous waste (b) 40 CFR 261.5(c) and (d) must be used to determine the applicability of provisions of this part that are dependent on calculations of the quantity of hazardous waste generated per month."

9 VAC 20-60-315 D states, "Anyone who becomes a large quantity generator shall notify the department in writing immediately of this change in status and document the change in the operating record."

- c) At the time of the CEI, EPACoat had not paid the annual hazardous waste generator fee for calendar year 2015.

9 VAC 20-60-1283.A. states, "Each operator of a hazardous waste treatment, storage, or disposal facility shall be assessed an annual fee as shown in 9 VAC 20-60-1285 F to be paid in accordance with 9 VAC 20-60-1284. B. Each large quantity generator of hazardous waste shall be assessed an annual fee as shown in 9 VAC 20-60-1285 G to be paid in accordance with 9 VAC 20-60-1284." 9 VAC 20-60-262.B.8 states, "Each large quantity generator of hazardous waste shall be assessed an annual fee of \$1,000.00. Fee invoices are issued by DEQ with payment due October 1st of the following year."

- d) For the following manifests, signed copies from the destination facility were not available for review at the time of the CEI. Manifest #015445841 dated April 8, 2016; Manifest #015445106 dated March 23, 2016; and Manifest #015263862 dated February 24, 2016; Manifest (number unknown) dated December 17, 2015; Manifest #014726589 dated August 6, 2015; Manifest #014726122 dated July 9, 2015; Manifest #014419744 dated June 4, 2015; Manifest #013805153 dated April 9, 2015; and Manifest 014074244 dated March 2, 2015.

40 CFR §262.40(a) states "A generator must keep a copy of each manifest signed in accordance with §262.23(a) for three years or until he receives a signed copy from the designated facility which received the waste. This signed copy must be retained as a record for at least three years from the date the waste was accepted by the initial transporter.

- e) Exception reports were not complete for those manifests where signed copies were not received from the designated facility.

40 CFR §262.42 states "(2) A generator of 1,000 kilograms or greater of hazardous waste in a calendar month, or greater than 1 kg of acute hazardous waste listed in §261.31 or §261.33(e) in a calendar month, must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter.

- f) Two 55-gallon containers accumulating hazardous waste were observed in the satellite accumulation area adjacent to the paint spray booth. The containers were not closed and were not marked with accumulation start dates.

40 CFR §265.173(a) states "A container holding hazardous waste must always be closed during storage, except when it is necessary to add or remove waste."

40 CFR §262.34(c)(1) states in part that "A generator may accumulate as much as 55 gallons of hazardous waste or one quart of acutely hazardous waste listed in §261.31 or §261.33(e) in containers at or near any point of generation where wastes initially accumulate which is under the control of the operator of the process generating the waste, without a permit or interim status and without complying with paragraph (a) or (d) of this section provided.... The generator must mark the container holding the excess accumulation of hazardous waste with the date the excess amount began accumulating."

- g) DEQ staff observed several other accumulated waste containers in the Facility. EPAcoat did not provide notification to the Department of the locations of the accumulation areas.

9 VAC 20-60-262(B)(4) requires generators to notify the Department of the exact location of all hazardous waste accumulation areas prior to use.

- h) No accumulation record was available at the time of the CEI indicating the term of storage for waste containers in the two outdoor trailers. A 35-gallon container of filter bags was located next to the Safety Kleen minimizer unit and was not marked with an accumulation start date.

40 CFR §262.34 states “(a) Except as provided in paragraphs (d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that:...”

- i) Containers of hazardous waste were observed in Facility operations areas that were not marked with accumulation start dates. DEQ personnel observed two undated containers of hazardous waste at the Facility satellite accumulation area, two undated containers in the 90-day storage area, an undated container of paint waste in an adjacent Facility storage building, and undated containers in the outdoor trailers.

40CFR §262.34 states “(a) Except as provided in paragraphs d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: ... (2) The date upon which each period of accumulation begins is clearly marked and visible for inspection on each container ... and (4) The generator complies with the requirements for owners or operators in subparts C and D in 40 CFR Part 265, with §265.16, and with all applicable requirements under 40 CFR Part 268.”

- j) Containers of hazardous waste were observed in the Facility operations areas and in the outdoor trailers that were not labeled with the words “hazardous waste.” DEQ personnel also observed an unlabeled container of paint waste in the Facility’s shop area, and unlabeled waste containers in the outdoor trailers.

40 CFR §262.34 states “(a) Except as provided in paragraphs d), (e), and (f) of this section, a generator may accumulate hazardous waste on-site for 90 days or less without a permit or without having interim status, provided that: ... (3) While being accumulated on-site, each container and tank is labeled or marked clearly with the words, “Hazardous Waste,” and 4) The generator complies with the requirements for owners or operators in subparts C and D in 40 CFR part 265, with §265.16, and with all applicable requirements under 40 CFR part 268.”

- k) Procedures for utilizing alarm and communications systems, directions for responding to fires or explosions, or procedures for conducting shutdown operations were not included in Facility personnel training protocols.

40 CFR §265.16(a)[as referenced by §262.34(a)(4)] states “(1) Facility personnel must successfully complete a program of classroom instruction or on-the-job training that teaches them to perform their duties in a way that ensures the facility's compliance with the requirements of this part. The owner or operator must ensure that this program includes all the elements described in the document required under paragraph (d)(3) of this section. (2) This program must be directed by a person trained in hazardous waste management procedures, and must include instruction which teaches facility personnel hazardous waste management procedures (including contingency plan implementation) relevant to the positions in which they are employed. (3) At a minimum, the training program must be designed to ensure that facility personnel are able to respond effectively to emergencies by familiarizing them with emergency procedures, emergency equipment, and emergency systems, including where applicable: (i) Procedures for using, inspecting, repairing, and replacing facility emergency and monitoring equipment; (ii) Key parameters for automatic waste feed cut-off systems; (iii) Communications or alarm systems; (iv) Response to fires or explosions; (v) Response to ground-water contamination incidents; and (vi) Shutdown of operations.”

- l) Documentation of job titles and job descriptions related to the management of hazardous waste was not available at the time of the CEI.

40 CFR §265.16(d) states “The owner or operator must maintain the following documents and records at the facility: (1) The job title for each position at the facility related to hazardous waste management, and the name of the employee filling each job; (2) A written job description for each position listed under paragraph (d)(1) of this section. This description may be consistent in its degree of specificity with descriptions for other similar positions in the same company location or bargaining unit, but must include the requisite skill, education, or other qualifications, and duties of employees assigned to each position; (3) A written description of the type and amount of both introductory and continuing training that will be given to each person filling a position listed under paragraph (d)(1) of this section; (4) Records that document that the training or job experience required under paragraphs (a), (b), and (c) of this section has been given to, and completed by, facility personnel.”

- m) At the time of the CEI, the two outdoor trailers did not have adequate aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment.

40 CFR §265.35 [as referenced by 262.34(a)(4)] states “The owner or operator must maintain aisle space to allow the unobstructed movement of personnel, fire protection equipment, spill control equipment, and decontamination equipment to any area of facility operation in an emergency, unless aisle space is not needed for any of these purposes.”

- n) The Facility contingency plan made available to DEQ staff did not contain: 1) A description of arrangements agreed to by local police and fire departments, hospitals, and State and local emergency response teams; 2) A list of names, addresses and phone numbers of all persons qualified to act as emergency coordinators; 3) One person named as the primary coordinator; 4) Physical description and identification of the location of all

emergency equipment at the Facility; 5) Provisions to ensure that the equipment is cleaned and fit for its intended use before operations are resumed; 6) Evacuation routes; 7) Procedures for identification of released materials; 8) Procedures/criteria to assess possible hazards to human health and the environment that may result from the release, fire or explosion; and 9) a description of all reasonable measures necessary to ensure that fires, explosions, or releases do not occur, reoccur, or spread to other hazardous waste at the Facility.

40 CFR §265.51(a) states that each owner or operator must have a contingency plan for his facility. 40CFR §265.52 (c) states that the plan must describe arrangements agreed to by local police departments, fire departments, hospitals, contractors, and State and local emergency response teams to coordinate emergency services, pursuant to §265.37. 40CFR §265.52 (d) states that the plan must list names, addresses, and phone numbers (office and home) of all persons qualified to act as emergency coordinator (see §265.55), and this list must be kept up to date. Where more than one person is listed, one must be named as primary emergency coordinator and others must be listed in the order in which they will assume responsibility as alternates. 40CFR §265.52 (e) states that the plan must include a list of all emergency equipment at the facility (such as fire extinguishing systems, spill control equipment, communications and alarm systems (internal and external), and decontamination equipment), where this equipment is required. This list must be kept up to date. In addition, the plan must include the location and a physical description of each item on the list, and a brief outline of its capabilities. 40CFR §265.52 (f) states that the plan must include an evacuation plan for facility personnel where there is a possibility that evacuation could be necessary. This plan must describe signal(s) to be used to begin evacuation, evacuation routes, and alternate evacuation routes (in cases where the primary routes could be blocked by releases of hazardous waste or fires)."

- o) A copy of the Facility contingency plan was not submitted to local police and fire departments, hospitals and State and local emergency response teams.

40 CFR §265.53 states "A copy of the contingency plan and all to the plan must be: (a) Maintained at the facility; and (b) Submitted to all local police departments, fire departments, hospitals, and State and local emergency response teams that may be called upon to provide emergency services."

- p) EPAcoat did not attempt to make arrangements with local authorities concerning Facility familiarization and did not document refusals of local authorities to enter into such familiarization arrangements.

40 CFR §265.37 states in part "(a) The owner or operator must attempt to make the following arrangements, as appropriate for the type of waste handled at his facility and the potential need for the services of these organizations: (1) Arrangements to familiarize police, fire departments, and emergency response teams with the layout of the facility, properties of hazardous waste handled at the facility and associated hazards, places where facility personnel would normally be working, entrances to roads inside the facility, and possible evacuation routes; ... (b) Where State or local authorities decline to enter into such arrangements, the owner or operator must document the refusal in the operating record."

- q) At the time of the CEI, some containers of hazardous waste were observed to be corroded or bulging.

40 CFR §265.171 states “If a container holding hazardous waste is not in good condition, or if it begins to leak, the owner or operator must transfer the hazardous waste from this container to a container that is in good condition, or manage the waste in some other way that complies with the requirements of this part.” 40 CFR §265.172 states “The owner or operator must use a container made of or with materials which will not react with, and are otherwise compatible with, the hazardous waste to be stored, so that the ability of the container to contain the waste is not impaired.”

- r) A written Facility operational inspection schedule for preventing, detecting, and responding to environmental or human health hazards was not available at the time of the CEI.

40 CFR §265.15(b)(1) states the owner or operator must develop and follow a written schedule for inspecting all monitoring equipment, safety and emergency equipment, security devices, and operating and structural equipment (such as dikes and sump pumps) that are important to preventing, detecting, or responding to environmental or human health hazards. (2) He must keep this schedule at the facility.

- s) Documentation of weekly inspection of hazardous waste accumulation areas was not available at the time of the CEI.

40 CFR §265.174 states in part that “At least weekly, the owner ... must look for leaking containers and for deterioration of containers caused by corrosion or other factors.”

- t) An accumulation area for universal waste was located behind the paint spray booth in the operations area. The universal waste container, specifically a box of fluorescent bulbs was not marked with an accumulation start date or the label “Universal Waste - Lamps” or similar wording.

40 CFR §273.13(d) states “A small quantity handler of universal waste must manage lamps in a way that prevents releases of any universal waste or component of a universal waste to the environment, as follows: (1) A small quantity handler of universal waste must contain any lamp in containers or packages that are structurally sound, adequate to prevent breakage, and compatible with the contents of the lamps. Such containers and packages must remain closed and must lack evidence of leakage, spillage or damage that could cause leakage under reasonably foreseeable conditions.” §273.14 states “A small quantity handler of universal waste must label or mark the universal waste to identify the type of universal waste as specified below: (e) Each lamp or a container or package in which such lamps are contained must be labeled or marked clearly with one of the following phrases: “Universal Waste—Lamp(s),” or “Waste Lamp(s),” or “Used Lamp(s)”.



§273.15(c) states in part “A small quantity handler of universal waste who accumulates universal waste must be able to demonstrate the length of time that the universal waste has been accumulated from the date it becomes a waste or is received.”

- u) Documentation that all staff members handling universal waste are trained on universal waste management was not available at the time of the CEI.

40 CFR § 273.16 states “A small quantity handler of universal waste must inform all employees who handle or have responsibility for managing universal waste. The information must describe proper handling and emergency procedures appropriate to the type(s) of universal waste handled at the facility.”

5. On May 19, 2016, EPACoat submitted an itemized description of corrective actions completed at the Facility since the CEI. As part of the submission, photographs were provided to document appropriate waste container location, management, condition, labeling and reporting.
6. On May 19, 2016, EPACoat paid the annual 2016 LQG fee to the Department.
7. On September 13, 2016, the Department met with EPACoat to discuss the NOV. On various subsequent dates, the Department and EPACoat discussed corrective action requirements, completion dates and reporting for compliance assurance.
8. On October 18, 2016, EPACoat provided the Department with additional information to support its response to the NOV. This information and documentation included sufficient basis to reduce the length of time originally asserted that the facility operated as LQG, to show that the distance from the trailer was sufficient, signed copies of manifests from destination facilities and that exception reports were missing, and that hazardous waste inspections were occurring. Also, EPACoat submitted documentation that the paint booth filters through Toxicity Characteristic Leaching Procedure was non-hazardous. Based upon the information and review of the record, EPACoat demonstrated that the following from the NOV 9 VAC 20-60-1283.A (failure to pay LQG fee) (identified in C.4.c); 40 CFR §262.34 (storage without a permit) (identified in C.4.H.); 40 CFR §262.42 (failure to provide exception reports) (identified above in C.4.e); 40 CFR §§265.15, 265.174, 265.176 (related to inspections) (identified above in C.4.r-s.) were not actual violations.
9. Additionally, EPACoat asserts that many, but not all, of the containers identified in the original inspection as hazardous waste or potential hazardous waste held non-hazardous reusable blast grit, non-hazardous solid waste, or useable paint related products. However, based upon the documentation and inspection, there is a sufficient basis for the violations identified above.
10. EPACoat hired a third-party consultant to review and to help correct deficiencies in the hazardous waste management system at the Facility. Based on a Department site visit conducted on October 9, 2018, EPACoat has completed all the injunctive relief required to complete its return to compliance.

#### **SECTION D: Agreement and Order**

Accordingly, by virtue of the authority granted it in Va. Code § 10.1-1455, the Board orders EPACoat, and EPACoat agrees to pay a civil charge of \$37,500 within 30 days of the effective date of the Order in settlement of the violations cited in this Order.

Payment shall be made by check, certified check, money order or cashier's check payable to the "Treasurer of Virginia," and delivered to:

Receipts Control  
Department of Environmental Quality  
Post Office Box 1104  
Richmond, Virginia 23218

EPACoat shall include its Federal Employer Identification Number (FEIN) with the civil charge payments and shall indicate that the payments are being made in accordance with the requirements of this Order for deposit into the Virginia Environmental Emergency Response Fund (VEERF). If the Department has to refer collection of moneys due under this Order to the Department of Law, EPACoat shall be liable for attorneys' fees of 30% of the amount outstanding.

#### **SECTION E: Administrative Provisions**

1. The Board may modify, rewrite, or amend this Order with the consent of EPACoat for good cause shown by EPACoat, or on its own motion pursuant to the Administrative Process Act, Va. Code § 2.2-4000 *et seq.*, after notice and opportunity to be heard.
2. This Order addresses and resolves only those violations specifically identified in Section C of this Order. This Order shall not preclude the Board or the Director from taking any action authorized by law, including but not limited to: (1) taking any action authorized by law regarding any additional, subsequent, or subsequently discovered violations; (2) seeking subsequent remediation of the facility; or (3) taking subsequent action to enforce the Order.
3. For purposes of this Order and subsequent actions with respect to this Order only, EPACoat admits to the jurisdictional allegations, and agrees not to contest, but does not admit, the findings of fact and conclusions of law in this Order.
4. EPACoat consents to venue in the Circuit Court of the City of Richmond for any civil action taken to enforce the terms of this Order.
5. EPACoat declares it has received fair and due process under the Administrative Process Act and the Virginia Waste Management Act and it waives the right to any hearing or other administrative proceeding authorized or required by law or regulation, and to any judicial review of any issue of fact or law contained herein. Nothing herein shall be construed as a waiver of the right to any administrative proceeding for, or to judicial review of, any action taken by the Board to modify, rewrite, amend, or enforce this Order.

6. Failure by EPAcoat to comply with any of the terms of this Order shall constitute a violation of an order of the Board. Nothing herein shall waive the initiation of appropriate enforcement actions or the issuance of additional orders as appropriate by the Board or the Director as a result of such violations. Nothing herein shall affect appropriate enforcement actions by any other federal, state, or local regulatory authority.
7. If any provision of this Order is found to be unenforceable for any reason, the remainder of the Order shall remain in full force and effect.
8. EPAcoat shall be responsible for failure to comply with any of the terms and conditions of this Order unless compliance is made impossible by earthquake, flood, other acts of God, war, strike, or such other occurrence. EPAcoat shall show that such circumstances were beyond its control and not due to a lack of good faith or diligence on its part. EPAcoat shall notify the DEQ Regional Director verbally within 24 hours and in writing within three business days when circumstances are anticipated to occur, are occurring, or have occurred that may delay compliance or cause noncompliance with any requirement of the Order. Such notice shall set forth:
  - a. the reasons for the delay or noncompliance;
  - b. the projected duration of any such delay or noncompliance;
  - c. the measures taken and to be taken to prevent or minimize such delay or noncompliance; and
  - d. the timetable by which such measures will be implemented and the date full compliance will be achieved.

Failure to so notify the Regional Director verbally within 24 hours and in writing within three business days, of learning of any condition above, which the EPAcoat intends to assert will result in the impossibility of compliance, shall constitute a waiver of any claim to inability to comply with a requirement of this Order.

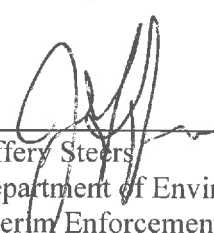
9. This Order is binding on the parties hereto, their successors in interest, designees and assigns, jointly and severally.
10. This Order shall become effective upon execution by both the Director or his designee and EPAcoat.
11. This Order shall continue in effect until:
  - a. The Director or his designee terminates the Order after EPAcoat has completed all of the requirements of the Order;
  - b. EPAcoat petitions the Director or his designee to terminate the Order after it has completed all of the requirements of the Order and the Director or his designee approves the termination of the Order; or

- c. The Director or Board terminates the Order in his or its sole discretion upon 30 days' written notice to EPACoat.

Termination of this Order, or any obligation imposed in this Order, shall not operate to relieve EPACoat from its obligation to comply with any statute, regulation, permit condition, other order, certificate, certification, standard, or requirement otherwise applicable.

12. Any plans, reports, schedules or specifications attached hereto or submitted by EPACoat and approved by the Department pursuant to this Order are incorporated into this Order. Any non-compliance with such approved documents shall be considered a violation of this Order.
13. The undersigned representative of EPACoat certifies that he or she is a responsible official authorized to enter into the terms and conditions of this Order and to execute and legally bind EPACoat to this document. Any documents to be submitted pursuant to this Order shall also be submitted by a responsible official of EPACoat.
14. This Order constitutes the entire agreement and understanding of the parties concerning settlement of the violations identified in Section C of this Order, and there are no representations, warranties, covenants, terms or conditions agreed upon between the parties other than those expressed in this Order.
15. By its signature below, EPACoat voluntarily agrees to the issuance of this Order.

And it is so ORDERED this 21<sup>st</sup> day of May, 2019.

  
\_\_\_\_\_  
Jeffery Steers  
Department of Environmental Quality  
Interim Enforcement Director

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EPAcoat Inc. voluntarily agrees to the issuance of this Order.

Date: 4/5/19 By: [Signature] Vice-President  
(Person) (Title)

Commonwealth of Virginia

City/County of Hennico

The foregoing document was signed and acknowledged before me this 5 day of April,  
2018, by William W. Enright who is Vice President of  
EPAcoat Inc., on behalf of the corporation.

[Signature]  
Notary Public  
7204047  
Registration No.

My commission expires: 10/31/2021

Notary seal:

